

109TH CONGRESS  
1ST SESSION

# H. R. 3827

To preserve certain immigration benefits for victims of Hurricane Katrina,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2005

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To preserve certain immigration benefits for victims of  
Hurricane Katrina, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Immigration Relief for  
5       Hurricane Katrina Victims Act of 2005”.

6       **SEC. 2. SPECIAL IMMIGRANT STATUS.**

7       (a) IN GENERAL.—For purposes of the Immigration  
8       and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary  
9       of Homeland Security may provide an alien described in  
10      subsection (b) with the status of a special immigrant

1 under section 101(a)(27) of such Act (8 U.S.C.  
2 1101(a)(27)), if the alien—

3 (1) files with the Secretary of Homeland Secu-  
4 rity a petition under section 204 of such Act (8  
5 U.S.C. 1154) for classification under section  
6 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

7 (2) is otherwise eligible to receive an immigrant  
8 visa and is otherwise admissible to the United States  
9 for permanent residence, except in determining such  
10 admissibility, the grounds for inadmissibility speci-  
11 fied in section 212(a)(4) of such Act (8 U.S.C.  
12 1182(a)(4)) shall not apply.

13 (b) ALIENS DESCRIBED.—

14 (1) PRINCIPAL ALIENS.—An alien is described  
15 in this subsection if—

16 (A) the alien was the beneficiary of—

17 (i) a petition that was filed with the  
18 Secretary of Homeland Security on or be-  
19 fore August 29, 2005—

20 (I) under section 204 of the Im-  
21 migration and Nationality Act (8  
22 U.S.C. 1154) to classify the alien as  
23 a family-sponsored immigrant under  
24 section 203(a) of such Act (8 U.S.C.  
25 1153(a)) or as an employment-based

1 immigrant under section 203(b) of  
2 such Act (8 U.S.C. 1153(b)); or

3 (II) under section 214(d) (8  
4 U.S.C. 1184(d)) of such Act to au-  
5 thorize the issuance of a non-  
6 immigrant visa to the alien under sec-  
7 tion 101(a)(15)(K) of such Act (8  
8 U.S.C. 1101(a)(15)(K)); or

9 (ii) an application for labor certifi-  
10 cation under section 212(a)(5)(A) of such  
11 Act (8 U.S.C. 1182(a)(5)(A)) that was  
12 filed under regulations of the Secretary of  
13 Labor on or before such date; and

14 (B) such petition or application was re-  
15 voked or terminated (or otherwise rendered  
16 null), either before or after its approval, due to  
17 a specified hurricane disaster that had as a con-  
18 sequence—

19 (i) the death or disability of the peti-  
20 tioner, applicant, or alien beneficiary; or

21 (ii) loss of employment due to physical  
22 damage to, or destruction of, the business  
23 of the petitioner or applicant.

24 (2) SPOUSES AND CHILDREN.—

1 (A) IN GENERAL.—An alien is described in  
2 this subsection if—

3 (i) the alien was, on August 29, 2005,  
4 the spouse or child of a principal alien de-  
5 scribed in paragraph (1); and

6 (ii) the alien—

7 (I) is accompanying such prin-  
8 cipal alien; or

9 (II) is following to join such prin-  
10 cipal alien not later than August 29,  
11 2007.

12 (B) CONSTRUCTION.—For purposes of  
13 construing the terms “accompanying” and “fol-  
14 lowing to join” in subparagraph (A)(ii), any  
15 death of a principal alien that is described in  
16 paragraph (1)(B)(i) shall be disregarded.

17 (3) GRANDPARENTS OF ORPHANS.—An alien is  
18 described in this subsection if the alien is a grand-  
19 parent of a child, both of whose parents died as a  
20 consequence of a specified hurricane disaster, if ei-  
21 ther of such deceased parents was, on August 29,  
22 2005 a citizen or national of the United States or  
23 an alien lawfully admitted for permanent residence  
24 in the United States.

1       (c) PRIORITY DATE.—Immigrant visas made avail-  
2 able under this section shall be issued to aliens in the  
3 order in which a petition on behalf of each such alien is  
4 filed with the Secretary of Homeland Security under sub-  
5 section (a)(1), except that if an alien was assigned a pri-  
6 ority date with respect to a petition described in sub-  
7 section (b)(1)(A)(i), the alien may maintain that priority  
8 date.

9       (d) NUMERICAL LIMITATIONS.—For purposes of the  
10 application of sections 201 through 203 of the Immigra-  
11 tion and Nationality Act (8 U.S.C. 1151–1153) in any fis-  
12 cal year, aliens eligible to be provided status under this  
13 section shall be treated as special immigrants described  
14 in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27))  
15 who are not described in subparagraph (A), (B), (C), or  
16 (K) of such section.

17 **SEC. 3. EXTENSION OF FILING OR REENTRY DEADLINES.**

18       (a) AUTOMATIC EXTENSION OF NONIMMIGRANT STA-  
19 TUS.—

20           (1) IN GENERAL.—Notwithstanding section 214  
21 of the Immigration and Nationality Act (8 U.S.C.  
22 1184), in the case of an alien described in paragraph  
23 (2) who was lawfully present in the United States as  
24 a nonimmigrant on August 29, 2005, the alien may

1 remain lawfully in the United States in the same  
2 nonimmigrant status until the later of—

3 (A) the date such lawful nonimmigrant  
4 status otherwise would have terminated if this  
5 subsection had not been enacted; or

6 (B) 1 year after the death or onset of dis-  
7 ability described in paragraph (2).

8 (2) ALIENS DESCRIBED.—

9 (A) PRINCIPAL ALIENS.—An alien is de-  
10 scribed in this paragraph if the alien was dis-  
11 abled as a consequence of a specified hurricane  
12 disaster.

13 (B) SPOUSES AND CHILDREN.—An alien is  
14 described in this paragraph if the alien was, on  
15 August 29, 2005, the spouse or child of—

16 (i) a principal alien described in sub-  
17 paragraph (A); or

18 (ii) an alien who died as a con-  
19 sequence of a specified hurricane disaster.

20 (3) AUTHORIZED EMPLOYMENT.—During the  
21 period in which a principal alien or alien spouse is  
22 in lawful nonimmigrant status under paragraph (1),  
23 the alien shall be provided an “employment author-  
24 ized” endorsement or other appropriate document  
25 signifying authorization of employment not later

1       than 30 days after the alien requests such authoriza-  
2       tion.

3       (b) NEW DEADLINES FOR EXTENSION OR CHANGE  
4       OF NONIMMIGRANT STATUS.—

5               (1) FILING DELAYS.—In the case of an alien  
6       who was lawfully present in the United States as a  
7       nonimmigrant on August 29, 2005, if the alien was  
8       prevented from filing a timely application for an ex-  
9       tension or change of nonimmigrant status due to a  
10      circumstance described in paragraph (3)(A) that is  
11      a consequence of a specified hurricane disaster, the  
12      alien's application shall be considered timely filed if  
13      it is filed not later than 180 days after it otherwise  
14      would have been due.

15              (2) DEPARTURE DELAYS.—In the case of an  
16      alien who was lawfully present in the United States  
17      as a nonimmigrant on August 29, 2005, if the alien  
18      was prevented from timely departing the United  
19      States due to a circumstance described in paragraph  
20      (3)(B) that is a consequence of a specified hurricane  
21      disaster, the alien shall not be considered to have  
22      been unlawfully present in the United States during  
23      the period beginning on August 30, 2005, and end-  
24      ing on the date of the alien's departure, if such de-  
25      parture occurs on or before December 31, 2005.

1           (3) CIRCUMSTANCES PREVENTING TIMELY AC-  
2           TION.—

3           (A) FILING DELAYS.—For purposes of  
4           paragraph (1), circumstances preventing an  
5           alien from filing a timely application are—

6                     (i) injury;

7                     (ii) office closures;

8                     (iii) mail or courier service cessations  
9                     or delays; and

10                    (iv) other closures, cessations, or  
11                    delays affecting case processing or travel  
12                    necessary to satisfy legal requirements.

13           (B) DEPARTURE DELAYS.—For purposes  
14           of paragraph (2), circumstances preventing an  
15           alien from timely departing the United States  
16           are—

17                    (i) injury;

18                    (ii) office closures;

19                    (iii) airline flight cessations or delays;

20                    and

21                    (iv) other closures, cessations, or  
22                    delays affecting case processing or travel  
23                    necessary to satisfy legal requirements.

24           (c) DIVERSITY IMMIGRANTS.—

1           (1) WAIVER OF FISCAL YEAR LIMITATION.—

2           Notwithstanding section 203(e)(2) of the Immigra-  
3           tion and Nationality Act (8 U.S.C. 1153(e)(2)), an  
4           immigrant visa number issued to an alien under sec-  
5           tion 203(c) of such Act for fiscal year 2005 may be  
6           used by the alien during the period beginning on Oc-  
7           tober 1, 2005, and ending on April 1, 2006, if the  
8           alien establishes that the alien was prevented from  
9           using it during fiscal year 2005 due to a cir-  
10          cumstance described in paragraph (4) that is a con-  
11          sequence of a specified hurricane disaster.

12          (2) WORLDWIDE LEVEL.—In the case of an  
13          alien entering the United States as a lawful perma-  
14          nent resident, or adjusting to that status, under  
15          paragraph (1) or (3), the alien shall be counted as  
16          a diversity immigrant for fiscal year 2005 for pur-  
17          poses of section 201(e) of the Immigration and Na-  
18          tionality Act (8 U.S.C. 1151(e)), unless the world-  
19          wide level under such section for such year has been  
20          exceeded, in which case the alien shall be counted as  
21          a diversity immigrant for fiscal year 2006.

22          (3) TREATMENT OF FAMILY MEMBERS OF CER-  
23          TAIN ALIENS.—In the case of a principal alien  
24          issued an immigrant visa number under section  
25          203(c) of the Immigration and Nationality Act (8

1 U.S.C. 1153(c)) for fiscal year 2005, if such prin-  
2 cipal alien died as a consequence of a specified hur-  
3 ricane disaster, the aliens who were, on August 29,  
4 2005, the spouse and children of such principal alien  
5 shall, until June 30, 2006, if not otherwise entitled  
6 to an immigrant status and the immediate issuance  
7 of a visa under subsection (a), (b), or (c) of section  
8 203 of such Act, be entitled to the same status, and  
9 the same order of consideration, that would have  
10 been provided to such alien spouse or child under  
11 section 203(d) of such Act as if the principal alien  
12 were not deceased and as if the spouse or child's  
13 visa application had been adjudicated by September  
14 30, 2005.

15 (4) CIRCUMSTANCES PREVENTING TIMELY AC-  
16 TION.—For purposes of paragraph (1), cir-  
17 cumstances preventing an alien from using an immi-  
18 grant visa number during fiscal year 2005 are—

19 (A) office closures;

20 (B) mail or courier service cessations or  
21 delays;

22 (C) airline flight cessations or delays; and

23 (D) other closures, cessations, or delays af-  
24 fecting case processing or travel necessary to  
25 satisfy legal requirements.

1 (d) EXTENSION OF EXPIRATION OF IMMIGRANT  
2 VISAS.—

3 (1) IN GENERAL.—Notwithstanding the limita-  
4 tions under section 221(c) of the Immigration and  
5 Nationality Act (8 U.S.C. 1201(c)), in the case of  
6 any immigrant visa issued to an alien that expires  
7 or expired before February 26, 2006 if the alien was  
8 unable to effect entry into the United States due to  
9 a circumstance described in paragraph (2) that is a  
10 consequence of a specified hurricane disaster, then  
11 the period of validity of the visa is extended until  
12 February 26, 2006, unless a longer period of validity  
13 is otherwise provided under this Act.

14 (2) CIRCUMSTANCES PREVENTING ENTRY.—For  
15 purposes of paragraph (1), circumstances preventing  
16 an alien from effecting entry into the United States  
17 are—

18 (A) destruction of, or damage rendering  
19 uninhabitable, the intended residence of the  
20 alien;

21 (B) a legal prohibition on inhabiting or ac-  
22 cessing the intended residence of the alien;

23 (C) office closures;

24 (D) airline flight cessations or delays; and

1 (E) other closures, cessations, or delays af-  
2 fecting case processing or travel necessary to  
3 satisfy legal requirements.

4 (e) GRANTS OF PAROLE EXTENDED.—

5 (1) IN GENERAL.—In the case of any parole  
6 granted by the Secretary of Homeland Security  
7 under section 212(d)(5) of the Immigration and Na-  
8 tionality Act (8 U.S.C. 1182(d)(5)) that expires on  
9 a date on or after August 26, 2005, if the alien ben-  
10 eficiary of the parole was unable to return to the  
11 United States prior to the expiration date due to a  
12 circumstance described in paragraph (2) that is a  
13 consequence of a specified hurricane disaster, the  
14 parole is deemed extended for an additional 90 days.

15 (2) CIRCUMSTANCES PREVENTING RETURN.—  
16 For purposes of paragraph (1), circumstances pre-  
17 venting an alien from timely returning to the United  
18 States are—

19 (A) office closures;

20 (B) airline flight cessations or delays; and

21 (C) other closures, cessations, or delays af-  
22 fecting case processing or travel necessary to  
23 satisfy legal requirements.

24 (f) VOLUNTARY DEPARTURE.—Notwithstanding sec-  
25 tion 240B of the Immigration and Nationality Act (8

1 U.S.C. 1229c), if a period for voluntary departure of an  
 2 alien under such section expired during the period begin-  
 3 ning on August 26, 2005, and ending on October 26,  
 4 2005, and the alien was unable voluntarily to depart as  
 5 a consequence of a specified hurricane disaster, such vol-  
 6 untary departure period is deemed extended for an addi-  
 7 tional 60 days.

8 **SEC. 4. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING**  
 9 **SPOUSES AND CHILDREN.**

10 (a) TREATMENT AS IMMEDIATE RELATIVES.—

11 (1) SPOUSES.—Notwithstanding the second  
 12 sentence of section 201(b)(2)(A)(i) of the Immigra-  
 13 tion and Nationality Act (8 U.S.C.  
 14 1151(b)(2)(A)(i)), in the case of an alien who was  
 15 the spouse of a citizen of the United States at the  
 16 time of the citizen's death and was not legally sepa-  
 17 rated from the citizen at the time of the citizen's  
 18 death, if the citizen died as a consequence of a speci-  
 19 fied hurricane disaster, the alien (and each child of  
 20 the alien) shall be considered, for purposes of section  
 21 201(b) of such Act, to be an immediate relative after  
 22 the date of the citizen's death, but only if the alien  
 23 files a petition under section 204(a)(1)(A)(ii) of such  
 24 Act within 2 years after such date and only until the  
 25 date the alien remarries. For purposes of such sec-

1       tion 204(a)(1)(A)(ii), an alien granted relief under  
2       the preceding sentence shall be considered an alien  
3       spouse described in the second sentence of section  
4       201(b)(2)(A)(i) of such Act.

5               (2) CHILDREN.—

6               (A) IN GENERAL.—In the case of an alien  
7       who was the child of a citizen of the United  
8       States at the time of the citizen's death, if the  
9       citizen died as a consequence of a specified hur-  
10      ricane disaster, the alien shall be considered,  
11      for purposes of section 201(b) of the Immigra-  
12      tion and Nationality Act (8 U.S.C. 1151(b)), to  
13      remain an immediate relative after the date of  
14      the citizen's death (regardless of changes in age  
15      or marital status thereafter), but only if the  
16      alien (or a parent or guardian of the alien) files  
17      a petition under subparagraph (B) within 2  
18      years after such date.

19              (B) PETITIONS.—An alien (or parent or  
20      guardian) described in subparagraph (A) may  
21      file a petition with the Secretary of Homeland  
22      Security for classification of the alien under  
23      section 201(b)(2)(A)(i) of the Immigration and  
24      Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).  
25      For purposes of such Act, such a petition shall

1 be considered a petition filed under section  
2 204(a)(1)(A) of such Act (8 U.S.C.  
3 1154(a)(1)(A)).

4 (3) UNCONDITIONAL STATUS.—An alien who  
5 obtains the status of an alien lawfully admitted for  
6 permanent residence pursuant to this subsection  
7 shall not be considered to have obtained such status  
8 on a conditional basis, and shall not be subject to  
9 section 216 of the Immigration and Nationality Act  
10 (8 U.S.C. 1186a).

11 (b) SPOUSES, CHILDREN, UNMARRIED SONS AND  
12 DAUGHTERS OF LAWFUL PERMANENT RESIDENT  
13 ALIENS.—

14 (1) IN GENERAL.—Any spouse, child, or unmar-  
15 ried son or daughter of an alien described in para-  
16 graph (3) who is included in a petition for classifica-  
17 tion as a family-sponsored immigrant under section  
18 203(a)(2) of the Immigration and Nationality Act (8  
19 U.S.C. 1153(a)(2)) that was filed by such alien be-  
20 fore August 29, 2005, shall be considered (if the  
21 spouse, child, son, or daughter has not been admit-  
22 ted or approved for lawful permanent residence by  
23 such date) a valid petitioner for preference status  
24 under such section with the same priority date as  
25 that assigned prior to the death described in para-

graph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary of Homeland Security, if the spouse, child, son, or daughter was present in the United States on August 29, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(4) UNCONDITIONAL STATUS.—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status

1 on a conditional basis, and shall not be subject to  
2 section 216 of the Immigration and Nationality Act  
3 (8 U.S.C. 1186a).

4 (c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY  
5 SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-  
6 BASED IMMIGRANTS.—

7 (1) IN GENERAL.—Any alien who was, on Au-  
8 gust 29, 2005, the spouse or child of an alien de-  
9 scribed in paragraph (2), and who applied for ad-  
10 justment of status prior to the death described in  
11 paragraph (2)(A), may have such application adju-  
12 dicated as if such death had not occurred.

13 (2) ALIENS DESCRIBED.—An alien is described  
14 in this paragraph if the alien—

15 (A) died as a consequence of a specified  
16 hurricane disaster; and

17 (B) on the day before such death, was—

18 (i) an alien lawfully admitted for per-  
19 manent residence in the United States by  
20 reason of having been allotted a visa under  
21 section 203(b) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1153(b)); or

23 (ii) an applicant for adjustment of  
24 status to that of an alien described in

1 clause (i), and admissible to the United  
2 States for permanent residence.

3 (d) APPLICATIONS FOR ASYLUM OR ADMISSION AS  
4 REFUGEE BY SURVIVING SPOUSES AND CHILDREN OF  
5 ASYLEES AND REFUGEES.—

6 (1) ASYLUM.—

7 (A) IN GENERAL.—Any alien who was, on  
8 August 29, 2005, the spouse or child of an indi-  
9 vidual described in subparagraph (B), may have  
10 the alien’s eligibility to be granted asylum de-  
11 termined under section 208(b)(3) of the Immi-  
12 gration and Nationality Act (8 U.S.C.  
13 1158(b)(3)) as if such individual had not died.

14 (B) PRINCIPALS DESCRIBED.—An indi-  
15 vidual is described in this subparagraph if the  
16 individual—

17 (i) died as a consequence of a speci-  
18 fied hurricane disaster; and

19 (ii) before such death, was granted  
20 asylum under section 208 of such Act (8  
21 U.S.C. 1158).

22 (2) ADMISSION AS A REFUGEE.—

23 (A) IN GENERAL.—Any alien who was, on  
24 August 29, 2005, the spouse or child of an indi-  
25 vidual described in subparagraph (B), may have

1 the alien's eligibility to be admitted to the  
2 United States as a refugee determined under  
3 section 207(c)(2) of the Immigration and Na-  
4 tionality Act (8 U.S.C. 1157(c)(2)) as if such  
5 individual had not died.

6 (B) PRINCIPALS DESCRIBED.—An indi-  
7 vidual is described in this subparagraph if the  
8 individual—

9 (i) died as a consequence of a speci-  
10 fied hurricane disaster; and

11 (ii) before such death, was admitted  
12 to the United States as a refugee under  
13 section 207 of such Act (8 U.S.C. 1157).

14 (e) WAIVER OF PUBLIC CHARGE GROUNDS.—In de-  
15 termining the admissibility of any alien accorded an immi-  
16 gration benefit under this section, the grounds for inad-  
17 missibility specified in section 212(a)(4) of the Immigra-  
18 tion and Nationality Act (8 U.S.C. 1182(a)(4)) shall not  
19 apply.

20 **SEC. 5. NATURALIZATION.**

21 (a) IN GENERAL.—With respect to an applicant for  
22 naturalization who resided, on August 29, 2005, within  
23 a portion of a district of U.S. Citizenship and Immigration  
24 Services that was declared by the President to be affected  
25 by a specified hurricane disaster, the Secretary of Home-

1 land Security may administer the provisions of title III  
2 of the Immigration and Nationality Act (8 U.S.C. 1401  
3 et seq.) without regard to any provision of such title other-  
4 wise requiring residence to be maintained, or any other  
5 action to be taken, in any specific State or district of U.S.  
6 Citizenship and Immigration Services.

7 (b) COURT AUTHORITY TO ADMINISTER OATHS.—  
8 Notwithstanding section 310(b)(1) of the Immigration  
9 and Nationality Act (8 U.S.C. 1421(b)(1)), with respect  
10 to an applicant for naturalization described in subsection  
11 (a), an eligible court (as defined in section 310(b)(5) of  
12 such Act (8 U.S.C. 1421(b)(5))) may administer the oath  
13 of allegiance under section 337(a) of such Act (8 U.S.C.  
14 1448(a)) to the applicant regardless of whether the appli-  
15 cant is permanently residing within the jurisdiction of the  
16 court.

17 **SEC. 6. FOREIGN STUDENTS AND EXCHANGE PROGRAM**  
18 **PARTICIPANTS.**

19 (a) IN GENERAL.—In the case of an nonimmigrant  
20 alien described in subsection (b), the alien's nonimmigrant  
21 status shall be considered to have been maintained during  
22 the period beginning on August 29, 2005, and ending on  
23 February 1, 2006, if, on February 1, 2006, the alien is  
24 enrolled in a course of study, or participating in a des-  
25 ignated exchange visitor program, sufficient to satisfy the

1 terms and conditions of the alien's nonimmigrant status  
2 on August 29, 2005.

3 (b) ALIENS DESCRIBED.—An alien is described in  
4 this subsection if the alien—

5 (1) was, on August 29, 2005, lawfully present  
6 in the United States in the status of a non-  
7 immigrant described in subparagraph (F), (J), or  
8 (M) of section 101(a)(15) of the Immigration and  
9 Nationality Act (8 U.S. C. 1101(a)(15)); and

10 (2) fails to satisfy a term or condition of such  
11 status as a consequence of a specified hurricane dis-  
12 aster.

13 **SEC. 7. NOTICES OF CHANGE OF ADDRESS.**

14 (a) IN GENERAL.—In the case of any notice of  
15 change of address otherwise required to be submitted to  
16 the Secretary of Homeland Security by an alien described  
17 in subsection (b)—

18 (1) if the notice relates to a change of address  
19 occurring during the period beginning on August 29,  
20 2005, and ending on November 15, 2005, the alien  
21 shall have until December 1, 2005, to submit such  
22 notice; and

23 (2) if the notice relates to a change of address  
24 occurring during the period beginning on November  
25 16, 2005, and ending on February 16, 2006, the

1 alien shall have until February 28, 2006, to submit  
2 such notice.

3 (b) **ALIENS DESCRIBED.**—An alien is described in  
4 this subsection if the alien—

5 (1) resided, on August 29, 2005, within a dis-  
6 trict of U.S. Citizenship and Immigration Services  
7 that was declared by the President to be affected by  
8 a specified hurricane disaster; and

9 (2) is required, under section 265 of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1305) or any  
11 other provision of law, to notify the Secretary of  
12 Homeland Security in writing of a change of ad-  
13 dress.

14 **SEC. 8. TEMPORARY ADMINISTRATIVE RELIEF.**

15 The Secretary of Homeland Security, for humani-  
16 tarian purposes or to ensure family unity, may provide  
17 temporary administrative relief to any alien who—

18 (1) was lawfully present in the United States on  
19 August 29, 2005;

20 (2) was on such date the spouse, parent, or  
21 child of an individual who died or was disabled as  
22 a consequence of a specified hurricane disaster; and

23 (3) is not otherwise entitled to relief under any  
24 other provision of this Act.

1 **SEC. 9. EMPLOYMENT VERIFICATION DURING EFFECTIVE-**  
 2 **NESS OF MAJOR DISASTER DECLARATION.**

3 (a) IN GENERAL.—Section 274A(b)(1) of the Immi-  
 4 gration and Nationality Act (8 U.S.C. 1324a(b)(1)) is  
 5 amended—

6 (1) in subparagraph (A), by striking “The per-  
 7 son” and inserting “Subject to subparagraph (F),  
 8 the person”; and

9 (2) by adding at the end the following:

10 “(F) SPECIAL RULE DURING MAJOR DIS-  
 11 ASTER DECLARATION.—In a case in which the  
 12 President has declared a major disaster under  
 13 the Robert T. Stafford Disaster Relief and  
 14 Emergency Assistance Act (42 U.S.C. 5121 et  
 15 seq.), the Secretary of Homeland Security may  
 16 provide, in the Secretary’s sole and  
 17 unreviewable discretion and only during the pe-  
 18 riod in which such declaration is in effect, that  
 19 a person or other entity hiring, recruiting, or  
 20 referring an individual for employment in the  
 21 United States is not required to make the attes-  
 22 tation or conduct the verification required  
 23 under subparagraph (A) until, at the latest, 90  
 24 days after the hiring, recruitment, or referral, if  
 25 the individual hired, recruited or referred at-  
 26 tests under penalty of perjury at the time of

1           being hired, recruited, or referred that the indi-  
2           vidual does not possess the documents nec-  
3           essary to satisfy clause (i) or (ii) of subpara-  
4           graph (A) as a result of such disaster.”.

5           (b) CONFORMING AMENDMENT.—Section 274A(b)(2)  
6 of the Immigration and Nationality Act (8 U.S.C.  
7 1324a(b)(2)) is amended by adding at the end the fol-  
8 lowing:

9           “Paragraph (1)(F) shall not be construed to affect  
10          the obligation under the preceding sentence.”.

11          (c) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on the date of the enactment  
13 of this Act and shall apply to hiring, recruitment, or refer-  
14 ral of an individual for employment in the United States  
15 occurring on or after August 29, 2005.

16 **SEC. 10. REPLACEMENT OF DOCUMENTS EVIDENCING**  
17 **IDENTITY AND EMPLOYMENT AUTHORIZA-**  
18 **TION FOR VICTIMS OF HURRICANE KATRINA.**

19          (a) IMMEDIATE ASSISTANCE.—

20               (1) DOCUMENT REPLACEMENT.—The Secretary  
21 of Homeland Security is authorized to provide imme-  
22 diate assistance in States in which persons displaced  
23 by a specified hurricane disaster are residing for the  
24 purpose of replacing for such persons documents  
25 that were—

1 (A) previously issued by the Secretary and  
2 described in subparagraph (B), (C), or (D) of  
3 section 274A(b)(1) of the Immigration and Na-  
4 tionality Act (8 U.S.C. 1324a(b)(1)); and

5 (B) lost, stolen, or destroyed due to such  
6 disaster.

7 (2) SUBSTITUTE.—Where replacement of a doc-  
8 ument described in paragraph (1) is not feasible, the  
9 Secretary of Homeland Security may provide to a  
10 displaced person described in such paragraph a tem-  
11 porary substitute document.

12 (b) PROCEDURES FOR DOCUMENT REPLACEMENT.—  
13 The Secretary of Homeland Security shall ensure that,  
14 when the Secretary replaces (or provides a temporary sub-  
15 stitute for) a document relating to an alien and described  
16 in subparagraph (B), (C), or (D) of section 274A(b)(1)  
17 of the Immigration and Nationality Act (8 U.S.C.  
18 1324a(b)(1)) that was lost, stolen, or destroyed due to a  
19 specified hurricane disaster, the Secretary—

20 (1) authenticates information using biometric  
21 identifiers contained in records of the Department of  
22 Homeland Security; and

23 (2) annotates the records in U.S. Citizenship  
24 and Immigration Services information systems in  
25 such a way as to indicate that the replacement or

1       substitute document was issued in the absence of an  
2       original due to such disaster.

3       (c) WAIVER OF FEES FOR DATABASE ACCESS.—

4               (1) U.S. CITIZENSHIP AND IMMIGRATION SERV-  
5       ICES.—The Director of U.S. Citizenship and Immi-  
6       gration Services is authorized to waive fees and costs  
7       associated with a request, made by a person or agen-  
8       cy described in paragraph (2), for use of the  
9       Verification Information System database associated  
10      with the Systematic Alien Verification for Entitle-  
11      ments Program in order to verify immigration status  
12      or employment eligibility with respect to a displaced  
13      person described in subsection (a)(1).

14              (2) REQUESTING PERSONS.—The persons de-  
15      scribed in this paragraph are as follows:

16                      (A) Employers.

17                      (B) State or local government agencies.

18                      (C) The American National Red Cross.

19                      (D) Organizations described in section  
20      501(c)(3) of the Internal Revenue Code of 1986  
21      and exempt from tax under section 501(a) of  
22      such Code whose mission is to assist displaced  
23      persons described in subsection (a)(1).

1 **SEC. 11. AGE-OUT PROTECTIONS.**

2 In administering Federal immigration laws, the Sec-  
3 retary of Homeland Security may grant any application  
4 or benefit notwithstanding the applicant or beneficiary (in-  
5 cluding a derivative beneficiary of a principal applicant or  
6 beneficiary) reaching an age that would render the appli-  
7 cant or beneficiary ineligible for the relief or benefit  
8 sought, if the failure to meet the age requirement is a con-  
9 sequence of a specified hurricane disaster.

10 **SEC. 12. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EM-**  
11 **PLOYMENT.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-  
13 rity shall establish appropriate standards for evidence  
14 demonstrating, for purposes of this Act, that any of the  
15 following occurred as a consequence of a specified hurri-  
16 cane disaster.

17 (1) Death.

18 (2) Disability.

19 (3) Loss of employment due to physical damage  
20 to, or destruction of, a business.

21 (b) DEATH CERTIFICATES.—The standards estab-  
22 lished under subsection (a) shall authorize the Secretary  
23 to make a determination of death in the absence of a death  
24 certificate, where appropriate.

25 (c) AFFIDAVIT OF SURVIVING SPOUSE.—For pur-  
26 poses of a benefit under section 2, or subsection (b) or

1 (c) of section 4, that is conditioned on the beneficiary hav-  
2 ing been the spouse of an individual who died as a con-  
3 sequence of a specified hurricane disaster, the standards  
4 established under subsection (a) shall authorize the Sec-  
5 retary to make a determination of death based on the  
6 sworn affidavit of such surviving spouse, in the absence  
7 of evidence to the contrary.

8 **SEC. 13. WAIVER OF REGULATIONS.**

9 The Secretary of Homeland Security shall carry out  
10 this Act as expeditiously as possible. The Secretary of  
11 Homeland Security is not required to promulgate regula-  
12 tions prior to implementing this Act.

13 **SEC. 14. DEFINITIONS.**

14 (a) APPLICATION OF IMMIGRATION AND NATION-  
15 ALITY ACT PROVISIONS.—Except as otherwise specifically  
16 provided in this Act, the definitions used in the Immigra-  
17 tion and Nationality Act (excluding the definitions appli-  
18 cable exclusively to title III of such Act) shall apply in  
19 the administration of this Act.

20 (b) SPECIFIED HURRICANE DISASTER.—For pur-  
21 poses of this Act, the term “specified hurricane disaster”  
22 means any major disaster resulting from Hurricane  
23 Katrina declared by the President under the Robert T.

- 1 Stafford Disaster and Emergency Assistance Act (42
- 2 U.S.C. 5121 et seq.).

